IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9637 OF 2004

Jaganath Roofing Tiles
Co. Pvt. Ltd. .. Petitioners.
Vs.
Pravin Vasudev Sawant & Ors. .. Respondents.

Mr.A.S.Khandeparkar for the petitioners.

CORAM : D.B.BHOSALE, J.

DATED : 10TH DECEMBER, 2004

P.C.:

. Heard Mr.Khandeparkar, learned counsel for the petitioners.

2. By the impugned order, the trial court has allowed the application filed by the respondent-plaintiff under Order 9 Rule 3, seeking restoration of suit which had been dismissed for default on 3.11.2003. It appears that the application for restoration was filed within less than one week from date of passing of the order. The court after considering the material placed before it held that the respondent-plaintiff has shown sufficient cause for non appearance and has allowed the application. I see not reason to

exercise extremely limited jurisdiction under Article 227 of the Constitution of India especially because the discretionary order passed by the court below, which to my mind, is just and proper. In view of the directions given by this court in Writ Petition No.7273 of 2002, Mr.Khandeparkar, learned counsel for the petitioner prayed for directions to dispose of the suit within time frame. Keeping the directions given by this court in Writ Petition No.7273 of 2002 in view and having regard to the nature of dispute, the trial court shall endeavour to dispose of the suit as expeditiously as possible and preferrably within a period of four months from the date of receipt of this order. The petitioner to produce a copy of this order before the trial court within two weeks from today. The petition is disposed of.

(D.B.Bhosale, J.)